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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,000	02/20/2002	Ariel Peled	1122-US	4735

24505 7590 03/07/2007
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EXAMINER

ABDI, KAMBIZ

ART UNIT	PAPER NUMBER
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3621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/078,000

Applicant(s)

PELED ET AL.

Examiner

Kambiz Abdi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.

- No claims are amended.
- Claims 25-100 were canceled.
- Claims 1-25 have been considered.

Response to Arguments

2. Applicant's arguments filed December 25, 2006 have been fully considered but they are moot in view of the new ground(s) of rejection.

3. However the examiner would like to add the following to clarify the office's position in regards to claimed invention. In response to applicant argument regarding rejection of independent claim 1 under 35 U.S.C. § 103 as being obvious by Zucker.

4. The examiner believes that the argument that the applicant has put forward on regards to claim 1 is not persuasive. The reasoning behind the argument by the applicant is that the Zucker does not teach or fairly suggest the delivery of the goods or services in a digital or electronic means (Such as a song in MP3 file or MPEG movie) that is delivered over a communication network. However, one skilled in the art would know for the purpose of efficiency and knowing the public is always interested in rapid gratification, they would like to have their item such as a purchased digital or electronic goods as soon as possible. Knowing such need rather than having a CD or DVD delivered to a physical address the same goods can be transmitted over a network. And one skilled in the art would clearly know in order to make such delivery IP addresses are used that are very similar to using a physical address. Therefore, there would be a need for masking or anonymizing such a delivery address for privacy. At the same time Chung '7541 clearly teaches the delivery of such digital or electronic goods and keeping the user's information private.

5. A digital delivery or physical delivery do not distinguish the method or system as has been thought by Zucker '7617 as it would be performing the same task of removing the address and providing an alias for delivery that is only known to the third party that does the actual delivery to the end user.

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6. However, as the applicant has provided the priority of the application predates the Chung '451 reference. Therefore the Chung '451 reference is withdrawn and new reference is introduced under the 35 USC § 103.

7. As per dependent claims argued by the applicant, there are no substantial arguments presented and the arguments refer to the independent claim.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. the issue of the phrase “digital transfer via a computer communication medium...” has no support in the specification. To the extent that examiner has been able to review the specification the examiner has not been able to locate support for such phrase within the specification originally filed. Clarification is required.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2005/0027617 A1 to Jeffrey M. Zucker et al in view of U.S. Patent Application Publication No. 2004/0002903 to Salvatore J. Stolfo et al.

10. As per claim 1, Zucker clearly teaches a method for making an anonymous computerized commerce transaction involving the delivery of digital merchandise comprising:

sending first sensitive information from a computer associated with a first entity to a computer associated with a first intermediate entity (See Zucker abstract, figures 1-12 and associated text, paragraphs [0015]-[0020];

processing said first sensitive information at said first intermediate entity computer (See Zucker paragraphs [0047] and [0059]-[0067]);

creating first non-sensitive information operable to approve said transaction by said first intermediate entity computer (See Zucker paragraphs [0048]-[0051]);

sending said first non-sensitive information to a computer associated with a third entity operable to perform said transaction (See Zucker paragraphs [0048]-[0051] and [0083]-[0085]);;

performing said transaction at said third entity, and digitally transferring via a computer communication medium said digital merchandise to said first entity computer via a computer associated with a delivering entity comprising information operable to deliver said digital merchandise to said first entity via a computer communication medium without revealing said first sensitive information to said third entity (See Zucker paragraphs [0048]-[0051], [0083]-[0085], and [0113]-[0119]).

11. What Zucker does not clearly disclose, is the transmission of the digital or electronic goods over a computer communication network rather than physical delivery of such goods via CD-ROM, DVD, or any other medium that needs a physical delivery. However, Stolfo clearly teaches the delivery of such digital and electronic goods via a computer communication network as well as keeping the receiver of such goods anonymous to the sender as it has thought by Zucker as to obfuscate the delivery address of the receiver (See Stolfo abstract, paragraph [0001], [0046], [0057], [0106]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made for the motivation of the privacy, speed of delivery and as well as economical gains of saving the costs related to physical delivery as well as keeping the address of the first entity being physical or virtual anonymous.

12. As per claims 6-9 and 10-23, Zucker clearly teaches a method according to claim 1 wherein said method further comprises a second intermediate entity operable to receive second sensitive information from said third entity and operable to process said second sensitive information and operable to create second non sensitive information operable to be sent to said first entity without revealing said second sensitive information said second non sensitive information operable to approve said transaction and such different combination of entities to obfuscate the original entity (See Zucker paragraphs [0126]-[0127]).

13. As per claims 24-25, Zucker clearly teaches a method according to claim 1 wherein said method further comprises a third intermediate entity operable to receive third sensitive information from said third entity and operable to process said second sensitive information and operable to create third non sensitive information operable to be sent to a fourth entity without revealing said third sensitive information, said third non sensitive information operable to approve said transaction (See Zucker paragraphs [0033]-[0051], [0056]-[0067], [0083]-[0085], and [0113]-0119]).

14. As per claims 2-5, Zucker clearly teaches a method according to claim 1, what Zucker is not explicit about is the said merchandise comprises digital video, audio, and software content. However, it would have been obvious to one having ordinary skill in the art at the time the current invention was made

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to consider the merchandise or the item to be delivered is in digital form for the motivation of the additional flexibility of delivery as well as enhanced choices of merchandise.

15. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Conclusion

16. Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the examiner should be directed to **Kambiz Abdi** whose telephone number is **(571) 272-6702**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at **(571) 272-6712**.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>.

18. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks
Washington, D.C. 20231**

or faxed to:

(571) 273-8300 [Official communications; including After Final communications labeled "Box AF"]

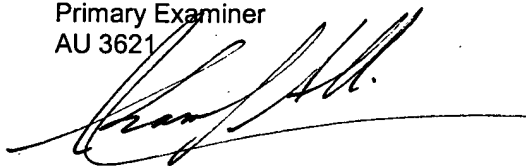
(571) 273-6702 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

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Hand delivered responses should be brought to the Examiner in the

Knox Building, 50 Dulany St. Alexandria, VA.

Kambiz Abdi
Primary Examiner
AU 3621

A handwritten signature in black ink, appearing to read 'Kambiz Abdi', written over a horizontal line.

March 1, 2007

KAMBIZ ABDI
PRIMARY EXAMINER